

My name is Steve Miller, I am testifying as a private citizen and I am opposed to this Bill.

I have a number of concerns with this Bill but let me first state that nobody thinks it's a good idea to smoke around children, whether in the car or anywhere else. In fact I'm sure most if not all people know it's a bad idea. That's not to say it doesn't happen but I question whether this is a real problem or is this just another attempt by the city council to legislate something they disagree with. Similar to the cellphone/crosswalk bill which recently passed; sure texting while crossing the street is a dumb idea, but is it really such a problem that we needed a law against it?

I've sometimes heard the justification for these types of laws is that they act as a deterrent. Simply because something is against the law people will modify their behavior. I doubt that somebody, in this day and age, who does smoke in a vehicle with a child present is going to care if it's against the law or not.

I also feel it runs dangerously close to a violation of the 4th Amendment of the Constitution which reads; The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized. So the police will now have the right to stop a vehicle because they see a cloud of smoke or vapor coming from inside? That seems reasonable to you? Because it seems unreasonable to me. Especially when you take into account the age of the "child" is 18 as this bill is written.

If you really want to do something for public safety and give HPD something to do why don't you come up with a resolution to prioritize the enforcement of the laws against running of red lights.

All in all I feel this is legislative overreach and should die in committee.

Aloha,
Steve

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